

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER M. GATES,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C19-1185-JCC-MLP

SECOND AMENDED PRETRIAL
SCHEDULING ORDER

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. In accordance with the Court's Order denying Plaintiff's motion to extend the stay in this matter, issued in conjunction with this Order, the Court hereby establishes the following second amended pretrial schedule:

(1) Dispositive Motions

Any dispositive motion shall be filed and served on or before ***May 23, 2022***. Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a part of the motion itself and not in a separate document. The motion shall include in its caption (immediately below the title of the motion) a designation of the date the motion is to be noted for consideration upon the Court's motion calendar. Dispositive motions shall be noted for

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1 consideration on a date no earlier than the fourth Friday following filing and service of the
2 motion. LCR 7(d)(3).

3 All briefs and affidavits in opposition to any motion shall be filed and served pursuant to
4 the requirements of Rule 7 of the Federal Rules of Civil Procedure and LCR 7. The party making
5 a motion may file and serve a reply to the opposing party's briefs and affidavits. Any reply brief
6 shall also be filed and served pursuant to the requirements of Rule 7 of the Federal Rules of Civil
7 Procedure and LCR 7.

8 Defendants are reminded that they MUST serve a *Rand* notice, in a separate document,
9 concurrently with motions for summary judgment so that *pro se* prisoner plaintiffs will have fair,
10 timely and adequate notice of what is required of them in order to oppose such motions. *Woods*
11 *v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012). The Ninth Circuit has set forth model language for
12 such notices:

13 A motion for summary judgment under Rule 56 of the Federal Rules of
14 Civil Procedure will, if granted, end your case.

15 Rule 56 tells you what you must do in order to oppose a motion for
16 summary judgment. Generally, summary judgment must be granted when
17 there is no genuine issue of material fact – that is, if there is no real
18 dispute about any fact that would affect the result of your case, the party
19 who asked for summary judgment is entitled to judgment as a matter of
20 law, which will end your case. When a party you are suing makes a
21 motion for summary judgment that is properly supported by declarations
22 (or other sworn testimony), you cannot simply rely on what your
23 complaint says. Instead, **you must set out specific facts in declarations,
depositions, answers to interrogatories, or authenticated documents,
as provided in Rule 56(e), that contradict the facts shown in the
defendant's declarations and documents and show that there is a
genuine issue of material fact for trial. If you do not submit your own
evidence in opposition, summary judgment, if appropriate, may be
entered against you. If summary judgment is granted, your case will
be dismissed and there will be no trial.**

1 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added). Defendants who fail to
2 file and serve the required *Rand* notice on the plaintiff may have their motion stricken from the
3 Court's calendar with leave to re-file.

4 (2) Joint Pretrial Statement

5 The parties are advised that a due date for filing a Joint Pretrial Statement may be
6 established at a later date pending the outcome of any dispositive motions.

7 (3) Proof of Service and Sanctions

8 All motions, pretrial statements and other filings shall be accompanied by proof that such
9 documents have been served upon counsel for the opposing party or upon any party acting *pro*
10 *se*. The proof of service shall show the day and manner of service and may be by written
11 acknowledgment of service, by certificate of a member of the bar of this Court, by affidavit of
12 the person who served the papers, or by any other proof satisfactory to the Court. Failure to
13 comply with the provisions of the Order can result in dismissal/default judgment or other
14 appropriate sanctions.

15 (4) The Clerk of Court is directed to send a copy of this Order to Plaintiff and to
16 counsel for Defendants.

17 Dated this 24th day of March, 2022.

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20 MICHELLE L. PETERSON
21 United States Magistrate Judge
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